

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

UNITED STATES OF AMERICA,)	
PLAINTIFF)	
)	
V.)	CASE NUMBER 2:05CR137-F
)	
GEORGE DAVID SALUM, III,)	
DEFENDANT)	

DEFENDANT'S PROPOSED STATEMENT OF THE CASE
AND VOIR DIRE QUESTIONS

COMES NOW the Defendant George David Salum, III, by and through the undersigned counsel, Julian L. McPhillips, Jr., and respectfully moves this Honorable Court to allow the undersigned counsel to read the following statement of the case to the jury panel and asked the proposed following voir dire questions.

STATEMENT OF THE CASE

The Defendant in this case has been charged with obstructing justice and computer fraud, by the United States Government. The Government bases its charges on three incidents where Mr. Salum gave information to his friend, a man named Johnny White. Mr. White then gave the information to someone else, who paid Mr. White for the items. Mr. Salum was a police officer at the time in question, and Mr. White was a former law enforcement officer who had friendships with several officers of the Montgomery Police Department.

The jury is charged with determining if Mr. Salum knew how the information was going to be used by Mr. White, and whether Mr. Salum "willfully" obstructed justice by releasing this information to Mr. White. The jury is also charged with determining whether Mr. Salum exceeded his authorization to use government computers, and whether Mr. Salum willfully committed computer fraud.

VOIR DIRE QUESTIONS

1. A fundamental principle of our legal system is that when a person is charged with a offense, he is presumed to be innocent unless the government proves guilt beyond a reasonable doubt. Mr. George David Salum, III, does not need to produce any evidence whatsoever to prove his innocence. If you are selected as a juror in this case, how many of you will have difficulty applying this rule of law ? Are you aware that the burden of proof in a criminal case is much, much higher than in a civil case. In criminal case, the burden of proof is “beyond a reasonable doubt,” whereas, in a civil case the burden of proof is mere “preponderance of the evidence.”

2. (A) How many of you have any opinion as to Mr. George David Salum’s guilt or innocence ? (B) If so, what is it?

3. How many of you believe that because Mr. George David Salum was arrested and charged with a crime, that he is probably guilty of something ?

4. How many of you feel that you might have some difficulty presuming that Mr. George David Salum is innocent of the charges against him in this case ?

5. The government may call the following witnesses: (a) Johnny White, (b) Shannon Youngblood, (c) Scott Simmons, (d) Rickey Moore, (4) Jay King, (5) Raymond David Dejohn, and (6) Mark Davis. Do you know any of these witnesses, or do you know the family members of any of these witnesses?

6. (a) Do you know that George David Salum is presumed innocent of the charges against him, and has no obligation to call any witnesses.

(b) Do you know that the “presumption of innocence” is like a piece of evidence? This presumption rests with Mr. Salum throughout the trial unless and until it is rebutted by reliable, credible evidence to the contrary.

7. Have any of you ever used the Internet, or surfed the web?

8. (a) Have any of you ever seen the web-site www.carmichaelcase.com or www.whosarat.com?
- (b) If so, what are your opinions of the web-sites ?
- (c) Are you aware that these web-sites were approved by the Federal District Court in the Leon Carmichael case as proper for defense counsel to use?
9. How many of you believe a person should be criminally prosecuted by the government for merely violating a departmental policy or procedure ?
10. How many of you agree that, in general, police officers sometimes make mistakes on the job ?
11. (a) Do any of you have close family or friends as lawyers or law students, or have any of you ever studied law in the past ?
- (b) If so, please state who you know who has studied law;
- (c) how often you speak with them, and
- (d) whether they may influence you in legal matters.
12. Have any of you, your close family or friends ever worked, either formally or informally, or applied for employment with, a law enforcement agency? By law enforcement agency, I mean "organizations" such as the Montgomery Police Department, F.B.I., the State's Attorney's General's Office, or District Attorney's Office, the United States Attorney's Office, the C.I.A., the I.R.S., the Secret Service, the Military Police, the U.S. Customs Office, private security firms and the like.
13. How many of you think that a defense lawyer should be prevented by the government from conducting a thorough defense ?
14. How many of you are aware that Judge Myron Thompson approved the web-site about which the federal prosecution complains?

15. How many of you or your close friends or relatives have been employed by a prison, jail, department, or corrections, probation office, or parole agency ?

16. Have any of you or your close relative or friend ever worked for either a Federal or local court system in any capacity ?

17. Have any of you ever served on a grand jury or petit jury civil or criminal in either Federal or local court system in any capacity ?

18. (a) Have any of you ever sat before a criminal jury?

(b) If so, what kind of case did you hear? and

(c) What verdict, if any, did the jury reach ?

19. Is there anything about that experience, whether it involved the lawyers, the judge, the accused, the evidence, or your jury deliberations, that makes you feel that you would have trouble being fair and impartial, or that you believe would make it difficult for you to serve as a juror in this case ?

20. Have any of you formed any opinions about either prosecutors or defense attorneys which would affect you in deciding this case? Certain, of the defense lawyers, Julian McPhillips and Allison Highley, are well known publicly. Do any of you have a negative opinion about either Julian McPhillips or Allison Highley, because of any case or public stand which he or she has ever taken in the past.

21. (a) Are you aware that to reach a verdict, every juror must agree on the verdict?

(b) Are you aware that any verdict must be unanimous?

(c) Are you aware that, in deliberations, you must consider the opinions and points of your fellow jurors, but that in the final analysis, you must follow your own conscience, and be personally satisfied with any verdict?

22. Would any of you have difficulty expressing your own opinions and thoughts

about this case to your fellow jurors ?

23. Do any of you feel that you would tend to go along with the majority of jurors even if you did not agree just because you were in the minority ?

24. How many of you think a man should go to jail for something he didn't intend to do?

RESPECTFULLY SUBMITTED this 31st day of October, 2005.

GEORGE DAVID SALUM, Defendant

/s/ Julian L. McPhillips, Jr.
JULIAN L. MCPHILLIPS, JR.
Attorney for Defendant
Alabama Bar No. MCP004
P.O. Box 64
Montgomery, AL 36101
334-262-1911

OF COUNSEL:
MCPHILLIPS SHINBAUM LLP
516 S. PERRY STREET
MONTGOMERY, AL 36104

CERTIFICATE OF SERVICE

I hereby certify I have served a copy of the foregoing by placing a copy of same in the United States Postal Service, postage prepaid and properly addressed, and by electronic filing with the Clerk of the Court, to the following address on this the 31st day of October, 2005.

Dixie Morrow
Assistant United States Attorney
Northern District of Florida
21 E. Garden Street, Suite 400
Pensacola, FL 32502

/s/ Julian L. McPhillips, Jr.
JULIAN L. MCPHILLIPS, JR.